

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SUZANNE BOELTER, individually and on  
behalf of all other similarly situated,

Plaintiff,

vs.

HEARST COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 15-cv-03934-AT-JLC

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that upon (1) the accompanying Memorandum of Law, dated August 17, 2015, and (2) the Declaration of Kristina E. Findikyan, dated August 17, 2015, and the exhibit attached thereto, Defendant Hearst Communications, Inc., through its undersigned attorneys, will move this Court, before the Honorable Analisa Torres, United States District Court Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), granting its motion to dismiss the class action complaint or, in the alternative, to stay this action pending the Supreme Court's decision in *Spokeo, Inc. v. Robins*, No. 13-1339 (U.S.), in the above-captioned action, and for such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that any opposition to this Motion shall be served and filed by August 31, 2015, and any reply shall be served and filed by September 8, 2015 in accordance with the directive of Judge Torres.

Dated: August 17, 2015

Respectfully submitted,

s/ Jonathan R. Donnellan \_\_\_\_\_

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*Attorneys for Defendant Hearst  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of defendant Hearst Communications, Inc.'s Notice of Motion to Dismiss, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on August 17, 2015.

/s/ Jonathan R. Donnellan  
Jonathan R. Donnellan